

Application Serial No. 10/031,105
Amdt. dated August 9, 2004
Reply to Office Action of April 7, 2004

REMARKS/ARGUMENTS

In the Non-Final Office Action mailed April 7, 2004, the Examiner has rejected the subject matter of Claims 1-3, 5 and 6 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,630,855 to Bjurling. The Examiner has also rejected the subject matter of Claims 1-3, 5 and 6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,883,839 to Hatley. The Examiner has also rejected the subject matter of Claims 4 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,630,855 to Bjurling; U.S. Patent No. 4,883,839 to Hatley; U.S. Patent No. 3,536,350 to Backteman; and U.K. Patent No. GB 2031841 to Wardle. The references and the Examiner's rejection of the various claims are discussed in detail below.

Applicant wishes to thank the Examiner for the courtesy of a telephone interview conducted with Applicant's attorney on August 6, 2004. Applicant's attorney and the Examiner discussed the pending Office Action and the references cited.

Applicant submits that the Information Disclosure Statement submitted on April 10, 2002 was timely filed. Applicant did not submit copies of the cited references since copies of the references were already submitted by the International Searching Authority with the International Search Report.

The Examiner has rejected Claims 1-7 under 35 U.S.C. §112, second paragraph. The Examiner has also rejected Claims 5-7 under 37 C.F.R. §1.75(c) as being in improper form. Claims 2-7 have been objected to due to informalities.

The Examiner has objected to the abstract of the disclosure.

In response to the rejections, Applicant has undertaken to submit an amended abstract of the disclosure in order to place the application in proper form for further consideration. Applicant avers that no new matter has been added.

Applicant has cancelled Claim 1 and respectfully submits new Claim 11 to more specifically define the present invention. New Claim 11 includes all the elements of original

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Claim 1, but has been rewritten to conform with United States patent practice rules. Support for Claim 11 can be found in the specification on page 3, lines 11-18 and page 8, lines 17 through 22. Applicant submits that the locking members 8 are used to stop the telescopic movement of the telescopic beams. In addition, a joint multi-rope lever system is used for performing the telescopic movement of the telescopic beams and is connected to at least one twistlock to place them in a locked or unlocked position and is described in the application on page 5, line 32 through page 6, line 5. Applicant submits that the "rope forces of different sizes" as defined in Claim 2 means that the ropes of the joint multi-rope lever system can be tightened to approximately 10 kilonewtons to actuate the locking rollers 822 as opposed to the approximate rope force of 3.6 to 6 kilonewtons needed to actuate the twistlock as described in page 12, lines 7-19 and on page 13, lines 13-29. The ropes and how they are connected and utilized in the system are described in the specification on page 11, lines 11-28. Applicant submits that one skilled in the art would understand the meaning of "rope forces of different sizes" created by tightening the ropes around the motor 70 to actuate both the locking members and the twist lock members.

Applicant has amended Claims 2-7 to address the 35 U.S.C. § 112, second paragraph rejections and the objections to the claims due to informalities. Applicant has also amended Claims 2-7 to properly depend on Claim 11. The amendment to the claims were not motivated by the prior art.

Claims 2-7 and 11 remain in the present application for continued prosecution.

Claims 1-3, 5 and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,630,855 to Bjurling. The Examiner contends that the Bjurling '855

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reference discloses a controlling system having at least two telescoping beams moving inside a spreader frame, locking means, a multi rope lever system having a first rope, second rope and a third rope, and actuator means and a control system for controlling the operation.

Applicant traverses the rejection and requests withdrawal based on the following analysis.

Applicant respectfully submits that the Bjurling '855 reference does not teach or suggest telescopic movement of telescopic beams in a spreader, wherein the telescopic beams and a frame of the spreader in the system have at least one locking member for stopping the telescopic movement of the telescopic beams at a desired place in relation to the frame. Instead, the Bjurling '855 reference only discloses using a piston drive mechanism using a hydraulic cylinder 9 to extend and retract extending beams 2 and 3. Applicant submits that the Bjurling '855 reference does not teach or suggest a locking member to hold the extending beams 2 and 3 in place.

Accordingly Claim 11, and those claims depending therefrom patently distinguish over the cited reference.

Claim 1-3, 5 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,688,839 to Hatley. The Examiner contends that the Hatley '839 reference discloses a controlling system having a spreader having at least two telescoping beams moving inside a spreader frame, locking means, a multi-rope lever system having a first rope, second rope and a third rope, and actuator means for operating the rope system and a control system for controlling the operation. Applicant traverses the rejection and requests withdrawal based on the following analysis.

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Applicant respectfully submits that the Hatley '839 reference does not teach or suggest a locking member as defined in Claim 11 of the present application. The Hatley '839 reference relates to a device for blowing air on top of cargo containers to remove debris. Applicant submits that the key means 22 as disclosed in the Hatley '839 reference are not "locking members" for stopping the telescopic movement of telescopic beams at a desired place in relation to the frame as defined in Claim 11. Applicant further submits that the hoisting cables 16 described in Column 2, Lines 23-25 of the Hatley '839 reference are used only to lift the cargo containers 20 in a vertical direction. The Hatley '839 reference does not teach or suggest that a joint multi-rope lever system for performing the telescopic movement of the telescopic beam and is connected to at least one twistlock to place them in a locked or unlock condition as defined in Claim 11 of the present application.

Accordingly, Applicant submits that Claim 11, and those claims depending therefrom patently distinguish over the prior art.

Claims 4 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Bjurling '855 reference or the Hatley '839 reference in view of U.S. Patent No. 3,536,350 to Backteman or U.K. Patent No. GB 2,031,841 to Wardle. The Examiner concedes that the Bjurling '855 reference does not show a locking member having a drive ramp, a form-locking groove, a locking roller, and a locking spring for a locking the roller. The Examiner contends that it would have been obvious to one having skill in the art to provide a locking member assembly on the Bjurling '855 reference's system or the Hatley '839 reference's system as taught by the Backteman '350 reference or the Wardle '841 reference. Applicant traverses rejection and requests withdrawal based on the following analysis.

Applicant respectfully submits that the Backteman '350 reference does not teach or suggest locking members, a drive ramp or a form-locking groove. Applicant submits that in Column 2, line 16-26 of the Backteman '350 reference the bearing pulleys 12, as shown in Figure 3, are not locking members. The bearing pulleys 12 are used to support the extension beam. These bearing pulleys 12 are not used to lock the extension beams in place, nor do they form a locking groove or a locking roller as defined in Claims 4 and 7, as amended, in the present application. The Backteman '350 reference discloses that when the extension beams are subjected to a load, the bearing pulleys 12 are pressed into the beam 5 causing the beams 5 to rest directly on the lower flanges of the main beams 8 as disclosed in Column 2, lines 35-38. Therefore, Applicant submits that if one were to combine the Backteman '350 reference with any of the other cited references that the present invention as defined in the Claims 4 and 7, as amended would not be created.

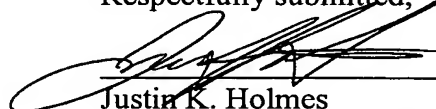
Applicant submits that the Wardle '841 reference does not teach or suggest a drive ramp or a form-locking groove. The Wardle '841 reference discloses on page 2, lines 55-72, a roller 19 and pin assembly 20 shown in Figure 3. The roller 19 rides along the bottom wall of a member 2. However, there is no drive ramp or form-locking groove as defined in Claims 4 and 7, as amended in the present application. Accordingly, Applicant submits that even if one were to combine the Wardle '841 reference with any of the prior cited references, that the present invention as defined in the claims would not be created.

Accordingly, the Applicant submits that Claims 4 and 7, and those claims depending therefrom patentably distinguish over the prior art.

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In view, therefore, of the amendment to the abstract, claims as well as the remarks set forth above, Applicant firmly believes the present application is in all respects in condition for allowance which action is earnestly solicited.

Respectfully submitted,



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